

In re Application of: Rabbani et al.

Group Art Unit: 1635

Examiner: A. Bowman

For: **Non-Native Polymerase Encoding Nucleic Acid Construct**

Confirmation No.: 4642

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants disclose hereby references which they believe may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

I hereby certify that this correspondence and the accompanying Information Disclosure Statement (PTO/SB/08a) is being electronically submitted to the United States Patent and Trademark Office on March 25, 2009.

03/25/2009 /Cheryl H Agris/
Date Signature
Cheryl H. Agris
Typed Name of Person Signing Certificate

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references listed below and in Form PTO SB08a (in accordance with the requirements of MPEP 609) are US Patents, Office Actions issued on the merits in related applications, and other Non-Patent Literature. Copies of the Office Actions and other Non-Patent Literature are submitted herewith. The above-referenced application is a division of application serial no. 08/574,443. Applicants note that application serial nos. 08/978,633; 08/978,634; 08/978,635; 08/978,637; 08/978,638 and 08/978,639 are divisional applications of application serial no. 08/574,443. Application serial no. 08/978,632 is a continuation of application serial no. 08/574,443. Application serial nos. 08/978,635 and 08/978,639 have been abandoned. Applicants note that additional applications have been filed: 11/929, 897, a continuation of 08/978,632; 11/925,929, a continuation of the above-referenced application; 11/929,055, a continuation of 08/978,637; and 11/927,676, a continuation of 08/978,638; no Office Actions have issued in any of these applications.

US Patent documents

5532130	1996-07-02	Alul
5521291	1996-05-28	Curiel
5677343	1997-10-14	Singh
5733781	1998-09-29	Dietz
7345025	2008-03-18	Symonds

Prosecution in related applications

Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Final Rejection 2008-02-25

Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Final Rejection 2008-04-16

Pat. App. No. 08978633 (Attny. Dkt. No. Enz-53-D1) Non-Final Rejection 2008-09-25

Pat. App. No. 08978638 (Attny. Dkt. No. Enz-53-D6) Non-Final Rejection 2008-11-18

Enz-53(D3)

Pat. App. No. 08978634 (Attny. Dkt. No. Enz-53-D2) Non-Final Rejection 2008-12-30

Pat. App. No. 08978637 (Attny. Dkt. No. Enz-53-D5) Non-Final Rejection 2009-01-07

Other non-patent references:

JOHNSTON et al. "Present status and future prospects for HIV therapies" Science 260: 1286-1293. 1993

OSBORNE et al. "Hormone responsive human breast cancer in long-term tissue culture: Effect of insulin" Proc. Natl. Acad. Sci. USA 73: 4536-4540. 1976

SENAPATHY, P. "Possible evolution of splice-junction signals in eukaryotic genes from stop codons" Proc. Natl. Acad. Sci, USA 85: 1129-1133. 1988

It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

The Information Disclosure Statement submitted herewith is being filed

☐ together with an RCE

☐ after submitting the RCE but before any subsequent Office Action

☐ before the mailing date of a first Office Action on the merits

☒ after the mailing date of a first Office Action on the merits.

Respectfully submitted,

Date: **March 25, 2009**

/Cheryl H Agris/

Cheryl H. Agris, Reg. No. 34,086